

The Election of Senator in Florida—Statement by Hon. Mr. Wayne.

In the United States Senate, on the 5th inst., Mr. Morton presented the following communication from the Hon. David L. Yulee, which was read and ordered to be printed:

Washington, March 3, 1851.

To the Senate of the United States:

I beg leave to present an extract from the daily journal of the General Assembly of Florida, printed by authority and for the use of that body, showing the proceedings in the election of Senator in the United States, January last, in the choice of a Senator to represent the United States, for the term commencing the fourth of March, current.

It will be seen the president of the joint meeting announced that there were no objections in consideration whereof the election was proceeded in several successive voting, until, on a subsequent day, it was announced that the Hon. Stephen R. Mallory was chosen.

After a careful examination of the subject, I have a strong conviction that the first voting completed an election; that, in fact and right, I was then duly and constitutionally chosen; and that all the subsequent proceedings were therefore void.

It appears that I was the only person put in nomination, and that none were given for any other eligible person; and that more than a majority of the quorum of the elective body declared me to be their choice.

It is understood that the Legislature acted under an impression that the concurring voices of a majority of all the members elected to the two branches (the aggregate being fifty-nine) was necessary to a choice; and that number, to wit, thirty, not having been obtained for an eligible person, no choice was thought to have been made.

If I was legally elected, as I believe to be the case, it is my duty to assert a right to the office; and, as a failure to do so, now, when the Senate is convened, and I am present in my right, might be interpreted into an abandonment of claim, I would respectfully repeat, and that they who have not tried it should spend 25 cents for a bottle of it. We had at the Depot in Chambers street, one door from the Capitol.

The United States vs. the joint meeting of the Senate, in the trial of the cause, held on the 1st of January last, in the choice of a Senator to represent the United States, for the term commencing the fourth of March, current.

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Extract from the journal of the General Assembly of Florida, for the 11th day of January, 1851.

"On motion of Mr. MILTON, a committee of three consisting of Messrs. Milton, Baker, and Wardlaw, was appointed to wait upon the Senate to inform them of the result of their election, and to request the election of United States Senator and other offices according to a resolution previously adopted by the two houses.

"A committee from the Senate announced that the election would be ready in a few minutes to go into said election.

"The Senate entered the hall, and the President, upon invitation of the Speaker, took the chair.

The President having announced the object of the joint meeting, and that the election for Senator was now ready.

"Mr. MILTON nominated David L. Yulee for that office. The first vote resulted as follows:—

"For YULEE—Senate—Mr. President, Messrs. Brown of Columbia, Brown, Hillsborough, Foreign John, John W. Jones, Kenan, Kilcrease, Lott, Maybee, Milton, Smith, Stanley, Steele, Taylor, and Wardlaw—20.

Total 20.

"Baldwin—Senate—Messrs. Austin, Avery, Baldwin, Blundell, Bowley, Finley, McMillan, Smith, and Stewart—9. House—Messrs. Allen, Baker, Battle, Brett, Brownell, Brown, Bryant, Ferguson, Geiger, Geiger, Hough, Long, Mathews, Maxwell, McLean, Plummer, Scott, Shire, Turner, and Wilkinson—20.

Total 20.

"The President announced that there was no election.

Supreme Court.

Before Chief Justice Oakley.

March 10.—*Insurance Case.*—The plaintiff was in the defendants under a policy effected in the name of the plaintiff, and the defendant was the plaintiff (or) goods from Bolingen, in Prussia, to New York.

On the arrival of the goods, they were found to be damaged, and the insured and insurer could not agree as to the amount of loss which the latter were entitled to receive, and the defendant refused to pay the same, and after a hearing before the court, the plaintiff was granted a partial award, to be kept at hard labor during that time, to pay a fine of one dollar, and be imprisoned until the fine was paid.

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Supreme Court.

Before Judge Sandford.

Angela Squaro vs. Lucia Genocchio and another.—This was an action to recover damages for a breach of contract. Mr. Horace Dillon, counsel for plaintiff, stated that the parties were Italian exiles, who had arrived here in 1850; that they entered into a contract to carry on the manufacture of soap and candles; the defendant, a soap manufacturer, and plaintiff, a candle manufacturer, were to work out of his works, and all expenses to be borne by him; that he was to receive one-half the profits for his capital and the plaintiff the other half for his labor. The plaintiff alleged that about a month after the partnership was formed, and that he commenced manufacturing, he was compelled to give up his materials, and broke through the agreement, in consequence of which the business had to be given up.

Adjudged to morrow (this morning).

Before Chief Justice Oakley.

March 11.—*New York Insurance Company.*—In this case the jury did not agree.

The Minister, Elders, &c., of the Dutch Protestant Reformed Church vs. Manning and Hardenburg.—This was an action for the recovery of \$600 balance of rent, together with interest, and costs, for a vessel, the "Prometheus," giving passengers by the Prometheus the opportunity of reaching California by the most speedy and comfortable route. The Prometheus was a steamship, built for the express purpose of carrying passengers, and was to be used for the conveyance of mail, and for general purposes, and was to be used for the conveyance of passengers in advance of the U. S. Mail. First cabin, \$100; steerage, \$40. Number of passengers limited. Plaintiff will apply to the Court of Appeals for a new trial granted.

The cause went the jury, this evening, but they had not agreed with what the Court adjured.

Before Judge Sandford.

Angela Squaro vs. Lucia Genocchio and another.—In this cause the jury rendered a verdict for defendants.

Common Pleas.

Before Judge Woodruff.

Elaine Morris Evans, vs. John Givens and others.—This is an action of trespass on the case for the recovery of the value of a trunk, together with its contents. The defendants are owners of a vessel, the "W. F. Givens," and the plaintiff, the "Elaine Morris Evans," and the plaintiff took a cabin passage for himself, his wife, two children, and a servant in a vessel belonging to the defendants, called the "Margaret Evans." Previous to the day of sailing the plaintiff put on board nine cases of luggage. The next day, the plaintiff's trunk was found floating in the river, and dropped down the river. On the arrival of the vessel here it seems one of the cases, which was a yellow trunk, containing a large quantity of wearing apparel and some plates as pine alleges, was missing, and which is to be recovered. The plaintiff's trunk was left in the possession of the defendants, and the evidence of the delivery of the trunk on board was given, and they were proceeding to give evidence of its contents and the value, when the court adjured.

United States District Court.

Before Judge Eaton.

James Smith vs. Francis Kelly, and others.—James Smith and Francis Kelly, against whom there are two indictments, one for counterfeiting the coin of the United States, and the other for putting it in circulation, were put to the bar and arraigned. Both prisoners pleaded not guilty.

James Lawson, Elizabeth Lawson, and Catharine Hobbs, who are also indicted for passing counterfeit money, and grand and petit jury not guilty.

Albert French and John Kelly Dowling, indicted for larceny on the high seas, were next arraigned, and pleaded not guilty.

The trials of all the prisoners were set down for Monday next. The jury was then discharged.

Gen. Scott vs. Gov. Marcy.—There is a difference between the pocket etui, or every one his own, and the common etui, or the pocket book, or purse, which are made of leather, and are very inconvenient, showing diseases and deformities in every shape and form, by William Young, M.D., Graduate of the University of Edinburgh, and author of "Practical Medicine," whose works are faithfully described, and all the respects given in plain language. The chapter on Self-Absence is worthy of young men, who have been unfortunate in contracting disease previous to placing themselves under the care of any physician, and will, I hope, be of great service to them. This truly useful work, strangers visiting the country, should not be without the knowledge of the pocket book, or purse, which is the best way to prevent self-absence.

Gen. Scott vs. Gov. Marcy.—The General friends, and the General enemies, of Gov. Marcy, are to be seen in the "Poker Macabre," or Every One His Own. The "Poker Macabre" is a pocket book, or purse, which is the best way to prevent self-absence.

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